

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF PENNSYLVANIA**

MICHAEL T. DERZACK,)	
)	
Plaintiff,)	Civil Action No.: 17-865
)	
v.)	United States Magistrate Judge
)	Cynthia Reed Eddy
TESLA MOTORS, INC.)	
)	
Defendant.)	
)	

REPORT OF RULE 26(F) MEETING

In accordance with Federal Rule of Civil Procedure 26(f), counsel for Plaintiff, Michael T. Derzack, and Defendant, Tesla, Inc., f/k/a Tesla Motors, Inc. (incorrectly captioned as Tesla Motors, Inc. (hereinafter "Tesla")), conferred on August 17, 2017, and submit the following report of their meeting for the Court's consideration.

1. DISCUSSION OF CLAIMS, DEFENSES AND RELEVANT ISSUES

Plaintiff:

On December 9, 2015, the Plaintiff purchased a 2015 Tesla Model S. Plaintiff alleges that he experienced defects or non-conformities, including supposed abnormal operation of Autopilot noise in front right door panel, noise from passenger window, and the vehicle not unlocking when approaching in the subject vehicle, giving rise to claims and damages against this Defendant, as set forth in Counts I through III of Plaintiff's Complaint.

Defendant:

Tesla denies the general allegations contained in Plaintiff's Complaint. Tesla further denies that the subject vehicle contains any non-conformity or defect which substantially impairs its use, value or safety. Additionally, Tesla denies that it breached any warranty as alleged by Plaintiff.

2. INFORMAL DISCLOSURES

The parties agree to exchange Initial Disclosures within two weeks of the Rule 26 Conference pursuant to Rule 26 (f).

3. FORMAL DISCOVERY

The parties agree to the following scheduling deadlines:

<u>December 21, 2017:</u>	Fact discovery end date.
<u>December 21, 2017:</u>	Deadline for Plaintiffs to identify and submit curriculum vitae and Rule 26(a)(2) expert disclosures.
<u>January 25, 2018:</u>	Deadline for Defendant to identify and submit curriculum vitae and Rule 26(a)(2) expert disclosures.
<u>February 5, 2018:</u>	Deadline for completion of expert depositions.
<u>February 26, 2018:</u>	Deadline for Motions for Summary Judgment.
<u>March 19, 2018:</u>	Deadline for filing Pre-Trial Motions.

The parties do not propose any limitations on discovery imposed under either the Federal Rules of Civil Procedure or the local rules. The parties do not reasonably foresee any issues relative to the preservation of electronically stored information. Each party will bear the cost of producing electronically stored information that is reasonably accessible.

4. ELECTRONIC DISCOVERY

Counsel for the parties have met and discussed, among other issues, electronic discovery. To the extent any discovery asks for information stored electronically, the parties have agreed that Tesla will search those locations where responsive information will most likely be found. At present, Tesla intends to pursue or request any electronically stored information from Plaintiff.

5. EXPERT WITNESS DISCLOSURES

The parties agree to the following deadlines relative to expert witness disclosures, including staggered expert report deadlines:

December 21, 2017: Deadline for Plaintiffs to identify and submit curriculum vitae and Rule 26(a)(2) expert disclosures.

January 25, 2018: Deadline for Defendant to identify and submit curriculum vitae and Rule 26(a)(2) expert disclosures.

February 5, 2018: Deadline for completion of expert depositions.

6. EARLY SETTLEMENT OR RESOLUTION

The parties anticipate readiness to participate in alternative dispute resolution by November 3, 2017.

7. TRIAL DATE


The parties have requested a jury trial in this matter. The parties preliminarily estimate that the trial will consume 2 full trial days. A trial date certain is requested given the location of fact witnesses and possible expert witnesses expected to testify in this matter.

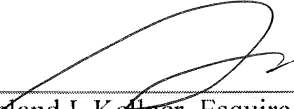
8. OTHER MATTERS

The parties did not discuss or agree on any additional matters not herein identified.

Kimmel & Silverman, P.C.

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Dated: 8/31/2017

CERTIFICATE OF SERVICE

The undersigned hereby certifies that a true and correct copy of the foregoing, Report of Rule 26(f) Meeting was filed electronically and served the 31st day of August, 2017, on the following counsel of record:

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Attorneys for Plaintiff,
Michael T. Derzack
Via Electronic Filing and Email

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